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SENSITIVE
SIPDIS

AF/E FOR DRIANO, INL/AE FOR ENGLISH, DOJ/ICITAP FOR
LILLIAN BECKER, DOJ/OPDAT FOR JIM SILVERWOOD

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TAGS: [ASEC](#) [KJUS](#) [KCRM](#) [EAID](#) [PGOV](#) [KE](#)

SUBJECT: POLICE REFORM ADDITIONAL RESOURCES REQUEST

REF: A. NAIROBI 2369
[B](#). NAIROBI 2252
[C](#). NAIROBI 1183
[D](#). NAIROBI 1172

[1](#). Summary: This cable is an action request. Please see para [5](#). Following high-level discussions with the leadership of Kenya's law enforcement agencies (see ref B) and our review of the Police Reform Task Force's recommendations (see ref A), post's inter-agency team on police reform has identified five key areas that we urgently need to support with additional resources in order to help maintain momentum on police reform. These areas are: community policing; implementation of internal affairs oversight mechanisms; basic police skills training; and training on professionalism/police ethics, police codes of conduct, and use of force policies. Post requests \$1 million in additional resources to provide this training using both subject matter experts already at post and additional expert trainers from the United States. In addition, post requests that \$800,000 in past year INL funding be reallocated to Kenya to conduct training and consultations in these priority areas. This funding is urgently needed as leverage to push implementation of police reform and to give us the capacity to calibrate implementation of our assistance step-by-step in accordance with what the Kenyan officials are prepared to do. In addition, we are drawing on limited existing mission resources to assist the reform process. End summary.

CURRENT ACTIVITIES AND RESOURCES

[2](#). There are a number of programs and activities already in place aimed at building capacity in Kenya's security sector (see ref D), including programs implemented by the Department of Homeland Security Customs and Border Patrol agency (DHS/CBP); the Department of Justice's Federal Bureau of Investigation (DOJ/FBI), Office of International Criminal Investigative Training Assistance Program (DOJ/ICITAP), and Office of Overseas Prosecutorial Development, Assistance, and Training (DOJ/OPDAT); and the State Department Bureau of Diplomatic Security's Anti-Terrorism Assistance program (DS/ATA). Kenya also received a grant of \$8 million in FY08 section 1207 funding, of which approximately \$620,000 is allocated to a police pillar aimed at improving civilian-police relations and implementing key reform recommendations.

[3](#). Existing initiatives will be repackaged as an initial response to police reform objectives. Post has prioritized

the following five areas of police reform: community policing; effective implementation of existing internal oversight mechanisms; basic police skills training; and training on professionalism/police ethics and modern codes of conduct/use of force policies. For example, the DS/ATA program has three police patrol boats (each valued at \$90,000) ready for donation. Two are slated for the Maritime Police Unit of the Kenya Police Service (KPS/MPU); the other will be given to the Administration Police (AP). The Ambassador plans to use the handover ceremony for these boat donations in Mombasa as a showcase for a major statement on police reform that lays out detailed priorities and our planned support for those priorities. S/CT funded upgrades to sports facilities in the Lamu area that are being implemented in cooperation with the police are an ideal platform for launching a discussion on community policing. We noted in ref B that both the KPS and AP have frozen recruitment and pulled a total of 4,000 officers from the field for refresher training at the police academies. We believe this presents a unique opportunity for U.S. trainers to engage with police officers at the academies on the priority subjects outlined above. We propose that all trainers scheduled to offer courses in Kenya (for example, FBI and DS/ATA instructors) be authorized to stay a few extra days after their planned training is finished to offer guest lectures at the academies, either on one of the priority areas listed in para 2 or on another applicable core area of expertise. Subject matter experts already at post (for example, the Legatt, Resident Legal Advisor, and Senior Law Enforcement Advisor) will offer guest lectures tailored to reform priorities.

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TARGETING PRIMARY FOCUS AREAS

¶4. Although the final report of the Police Reform Task Force is not yet public, task force members highlighted in a recent presentation that it contains more than 200 separate recommendations (see ref A). After reviewing a near-final version of the report and following inter-agency discussion at post, we want to focus resources on the five priority areas discussed in para 1. While we generally agree with the task force recommendations, we note that the Task Force deferred the establishment of effective external and internal oversight recommendations, preferring that they be addressed via constitutional reform. We have no objection to that approach, but note that, in the interim, internal oversight mechanisms already exist on paper and should be supported immediately, as they are absolutely critical to promoting police professionalism and ethics and to repairing damaged police-community relations stemming from past abuses and corruption (see ref C). We will also continue to push Kenya's law enforcement leadership to make good on its pledges to improve conditions of work for police officers (for example, by paying arrears in allowances owed to officers and improving housing) as well as to overhaul hiring, assignments, transfers, and promotions practices completely to make them clear, transparent, and fair.

RESOURCE REQUEST

¶5. In his October 22 letter to President Kibaki, President Obama underlined the importance of rule of law reform and said, "The United States is prepared to provide support for the implementation of police and judicial reforms." Post is requesting \$1 million in assistance to offer training to core police populations, including new recruits, trainers, officers undergoing refresher training, and recently promoted officers undergoing training to prepare them for the next level of leadership. Funding will be used to provide training at the police academies and to send additional Kenyan officers to relevant courses at ILEA in Botswana. Funding can also support targeted consultations between U.S. technical experts from DOJ and State and Kenyan officials on issues including internal affairs, community policing and public relations, which have the secondary benefit of providing a

useful gauge in determining political will to implement reforms. In addition, post requests that \$800,000 in past year INL funding (originally allocated as two grants of \$300,000 and \$500,000) be immediately reallocated to post for funding basic police skills training at the academies, to be implemented by subject matter experts from DOJ/ICITAP and INL.

RANNEBERGER